



CPT/Inf (2008) 23

**Response of the Government of
"the former Yugoslav Republic of Macedonia"
to the report of the European Committee
for the Prevention of Torture and Inhuman
or Degrading Treatment or Punishment (CPT)
on its visit to "the former Yugoslav Republic
of Macedonia"**

from 14 to 18 October 2007

The Government of "the former Yugoslav Republic of Macedonia" has requested the publication of this response. The report on the CPT's visit to "the former Yugoslav Republic of Macedonia" in October 2007 is set out in document CPT/Inf (2008) 22.

Strasbourg, 10 September 2008

CONTENTS

I.	PRELIMINARY RESPONSE (December 2007)	5
II.	FINAL RESPONSE (February 2008)	13
III.	RESPONSE TO THE CPT's LETTER OF 25 MARCH 2008 (June 2008)	17
Appendix :		
	Letter of 25 March 2008 from the CPT commenting on the February 2008 response of the national authorities	25

I. RESPONSE

to part of the recommendations in the Report of the visit made from 14 – 18.10.2007 by the European Committee for prevention of torture and inhuman or degrading treatment or punishment, for which a confirmation for an action is required in period of a month

1. The Ministry of Justice of the Republic of Macedonia and the Administration for carrying out of sanctions, acting upon the Recommendations of the European Committee for prevention of torture and inhuman or degrading treatment or punishment of the Council of Europe, regarding the visit made in the period from 14 – 18.10.2007, is informing that, as you have already been advised, inspectors of the Administration for carrying out of sanctions, immediately, on 19.10.2007, made an investigation of the operation in the Security Department in the Prison - Skopje. In that occasion, it was found out that in the above mentioned Institution, as means for tying up are only used handcuffs for arms and legs, although in one of the rooms on duty of the members of the security, were found chains which according to the findings of the officials and the Director of the Institution, have never been used, but were kept in case of any possible rebellion or riot of larger scale, since the security operated with insignificant number of officials. It was ordered the chains to be straight away removed not only from the room, but also from the Prison. As an evidence, please find enclosed the Report of the made investigation by means of which it was found out that the chains had been removed from the Institution.

Furthermore, beside the regulations in which it was prescribed, a written order was also submitted to all Houses of Correction in the Republic of Macedonia. By this order, an excessive use of means for enforcement is strictly forbidden, such as tying up with handcuffs for the equipment or pipes, especially tying up with handcuffs for a longer period of time or in an inconvenient position, as well as mistreatment of the convicts is unacceptable and the treatment with those who behave badly should only be in compliance with the law and with the outlined discipline procedures.

2. In relation to the recommendation of the Committee for improvement of the heating facilities in every block of the House of Correction – Idrizovo, as mentioned in the previously submitted letter of the Ministry of Justice, directly after the visit of the Committee in October this year, by means of the financial resources at the amount of 760.900 eur. provided by the Program EC / CARDS 2006 of the EAR, among the other issues, adaptation will be carried out and overhaul of the auxiliary structures in the House of Correction – Idrizovo, 443.593 eur. of which are provided for construction of a new boiler room for heating of all of the rooms in the House. Taking into consideration that it was agreed with the contractor that the works should begin in March 2008, after the end of the heating season, this winter all of the blocks and the rooms where the convicts and the employees stay, are warmed up with the existing central heating, for which sufficient quantities of wood were provided. An Order was submitted to the Director of the Institution for compulsory obligation to provide permanent optimal heating appropriate to the weather conditions, which is being enclosed. Moreover, the inspectors in the Administration for carrying out of sanctions will make regular control several times during the winter period concerning the heating in the rooms, especially where the convicts are staying.

Minister of Justice
Mihajlo Manevski

13.12.2007

REPUBLIC OF MACEDONIA
MINISTRY OF JUSTICE
No. 07 -

To the attention of the :
DIRECTOR
OF THE HOUSE OF CORRECTION

IDRIZOVO

The Minister of Justice, on the base of Article 56, par. 2 in reference with Article 17 of the Law for organization and operation of the state administration bodies (" Official Gazette of RM " no. 58 / 2000 and 44 / 2002) in the frames of its legal authority in relation to carrying out of sanctions , issues an

ORDER

1. IT IS ORDERED to the Director of the House of Correction Idrizovo and to the other employees in the Institution to take care of the housing of the convicts. It is to be in compliance with the provisions of the Law for carrying out of sanctions and the international standards, and all of the rooms, wings and departments of the Institution have to fulfill the primary hygienic conditions.
2. It is necessary, without any delay, during this winter until the end of the heating season, all of the rooms where the convicts stay, to be provided with permanent optimal heating appropriate to the weather conditions, using the existing central heating or the corresponding heating bodies in the parts where the central heating can not function, accordingly.
3. With respect to the forthcoming activities for performance of the works regarding construction of a new boiler room, by means of which a complete setting up and renewal of the heating will be provided in all of the rooms and buildings where the convicts stay in the House of Correction Idrizovo, the Director of the Administration for carrying out of sanctions is obliged to follow the dynamics of performance of the works and to be permanently in contact with the supervisor LOUIS BERGER SAS - Skopje.
4. The Director of the House, for the purpose of realization of the present Order, is obliged once a month to submit information to the Administration for carrying out of sanctions, accordingly.

MINISTER OF JUSTICE
Mihajlo Manevski

KL/

R E P O R T

of the investigation in the personal files and the report book of the inmates VD, BV, SS

On the base of Article 77 of the Law for carrying out of sanctions , the inspectors of the Administration for carrying out of sanctions - Simon Josifovski and Kosta Dimitrov, after receiving an obligation on 19.10.2007 and after the remarks by KPT, made an investigation in the personal files of the convicts VD, BV and SS, as well as an inspection in the report book of the Temporary arrest Department in the Prison - Skopje with Open Department in Kriva Palanka, and found out the following :

VD

By the Decision of the Municipal Court Kumanovo, the measure temporary arrest for period of 30 days was pronounced to him, as a result of justified doubt that he made a criminal act " grand larceny " , according to Article 236, par. 1 of the Penal Law.

By the Decision of the Municipal Court Kumanovo, his temporary arrest was prolonged until the decision went into effect.

On 27.06.2007, the above mentioned convict, due to self injury, more exactly due to trial for hanging, was tied up with handcuffs. The tying up was made in such a way that his arms and legs were tied up. Regarding this tying up, there is a statement by the commander who was on duty at that time and it was mentioned in the personal file of the convict. This event was also recorded in the report book of the convicts. However, there is no document as to how much time the tying took, i.e.when it was finished, and when the convict was untied.

On **19.09.2007** VD was tied up again, as mentioned in the statement of the commander who was on duty then, as a result of violation of the order and the discipline in the Institution. There is a record in the report book according to which the tying up was recorded, and it was mentioned that it continued in the evenings. There is no document, neither any record by which it could be seen when it finished. When the decision went into effect, the juvenile was sent to serve the correctional measure on **16.10.2007**.

BV

By the Decision of the Municipal Court Kumanovo, due to justified doubt for an executed criminal act " false notice of a criminal act", according to Article 366 of the Criminal Law, the measure temporary arrest for period of 30 days, was pronounced to him.

By Decision of the Municipal Court Kumanovo, his temporary arrest was prolonged until 21.11.2007.

On **07.10.2007** as a result of mutual threats with the temporary arrested VD, he was tied up. The tying up was carried out in such a way that his legs and arms were tied up.

The tying up lasted until **12.10.2007**, when after his statement that he would behave well, he was untied.

There is a statement in the personal list of the above mentioned temporary arrested person, made by the commander who was on duty, for the reasons why he was tied up, as well as a statement for his untying up, along with the statement by the convict himself that he would behave well.

The untying up of the convict was not recorded in the report book in the Temporary arrest department.

SS

By the Decision of the Municipal Court Skopje I, Skopje, as a result of justified doubt for executed criminal act " murder ", according to Article 123, par. 1 of the Criminal Act, he was pronounced the measure temporary arrest for period of 30 days. His temporary arrest was prolonged several times and lasted until 22.11.2007.

On 22.09.2007 he was tied up since he tried to attack the other convicts with a spoon and due to mistreatment and offences. There is an official note for the tying up which is in the personal list of the convict. He was untied on 24.09.2007. For this, there is an official note in the personal list, so that the tying up and the untying are recorded in the report book of the Temporary arrest Department.

After the investigation carried out in the files of the above mentioned convicts, a control was also made of the Room on Duty of the Temporary arrest Department. In this Room of the Temporary arrest Department, under the desk, in a special wooden box were found chains for which the responsible officers of the Prison claimed that they had never been used and were kept only in case of riots or rebellion.

On the base of the detected situations, immediately was made discussion with the Director of the Institution and the following was ordered:

1. The chains found in the room on duty are to be straight away removed from the Institution. It was done without delay.

2. Concerning the use of any kind of means for enforcement, to proceed in compliance with the Law for carrying out of sanctions and the Instruction for the terms and the way of use of the means for enforcement by the members of the Security Sector in the Houses of Correction and the Educational - Correction Houses.

3. Whenever means for enforcement are used, a report has to be made, covering the reasons and the conditions under which the means are used.

4. For any use of means for enforcement to inform, in a written way, the Administration for carrying out of sanctions.

THE INVESTIGATION WAS MADE BY :

Counselor - inspector : Simon Josifovski _____

Counselor - inspector : Kosta Dimitrov _____

REPUBLIC OF MACEDONIA
MINISTRY OF JUSTICE
Administration for carrying out of sanctions

No.
13.12.2007
Skopje

To the attention of the **DIRECTOR**

SUBJECT : Submission of the Report for the visit of the European Committee for prevention of torture and inhuman or degrading treatment or punishment of the Council of Europe, in the period from 14 -18 October 2007 and pointing to the treatment with the convicts, juveniles and the temporary arrested persons during their stay in the Houses of Correction and the necessity for taking over certain activities for overcoming specific situations

The Ministry of Justice and the Administration for carrying out of sanctions, submit you, enclosed, to your knowledge and for taking an action, the Report of the visit of the European Committee for prevention of torture and inhuman or degrading treatment or punishment of the Council of Europe, made from 14-18 October 2007. The Report was adopted by the Committee against torture on its 64th Session, held from 5th to 9th November 2007.

In reference to the notes and findings of the Delegation of the European Committee for prevention of torture and inhuman or degrading treatment or punishment, presented to the Council of Europe during their regular visit of the Republic of Macedonia from 15 – 26 May 2006, as well as during their extraordinary visit from 14 – 18 October, we would like to inform you as it follows :

1. Concerning the use of means for enforcement, it is pointed out that in accordance with Article 186 of the Law for carrying out of sanctions, the Regulations for the way of performance of their duties in the Security Department, the armament and the equipment in the Houses of Correction and the Educational – Correction Houses, as well as the Instruction for the conditions and the way of use of the means for enforcement by the members of the Security Department in the Houses of Correction and the Educational – Correction Houses, the means for enforcement can only be used towards the convicts, temporary arrested and the juveniles in the houses of correction and the educational – correction houses to certain measure and only when it is necessary, in order to avoid escape from the House and escape during escort, physical attack, injure somebody, self injure, causing a material damage and subdue resistance of the convicts. In these cases, it is necessary to take into account that in no case excessive, or for a longer period of time, means for enforcement are to be used (for example, tying up with handcuffs for the equipment or in an inconvenient position). The prison staff must know that it is unacceptable to mistreat the prisoners and concerning the treatment with those who have bad behavior, it must be unique in compliance with the corresponding Law and with the emphasized discipline procedures. For all this, a Report has to be drawn up and a special evidence must be kept , and in accordance with Article 188, par. 2 of the Law for carrying out of sanctions, regarding the use of any means of enforcement, it is necessary to inform, in a written way, the Administration for carrying out of sanctions.

2. **The Committee makes notes for the conditions where the measure -temporary arrest and the sentence – prison are executed.** It is important to create possibilities and to make efforts for improvement of the material conditions and the hygiene in the rooms of the temporary arrested persons and the convicts, to enable the prisoners to have a shower at least once a week and to be regularly provided with hygienic items.

3. Furthermore, **the Committee makes notes of the period the temporary arrested persons and the convicts spend on outdoor exercise.** It is necessary, in the frames of the possibilities, every prisoner to be permitted at least 1, namely 2 hours a day, sport activities. Therefore, it is of significance to follow this minimum, namely the prisoners to be guaranteed at least one hour daily outdoor exercise.

4. A note was given regarding the **improvement of the quality of the medical checks and the thorough data evidence.** When keeping the medical care booklet of the newly arrived prisoners , filled by the prison doctors, after the carried out medical checks, the medical file should consist of :

- recorded statements of the person which are relevant for the medical checks (as well as description of his health condition and any evidence for mistreatment) ;
- recorded objective medical findings by the prison doctor based on detailed checks;
- conclusions made by the doctor which determine the level of reconciliation of the recorded statement of the prisoner with the objective medical findings.

The results of every examination, including the above mentioned statements and the doctor's conclusions, should be available to the temporary arrested person and his lawyer.

The prosecutor and the investigating judge **m u s t** be informed by the Director of the prison, in a written form, for any findings which refer to possible cases of police mistreatment discovered immediately after the reception of a person in the prison.

In reference to convicts who serve high level sentence – prison for serious criminal acts and who have serious mental problems, they have to be provided an additional psychiatric observation by specialists – psychiatrists who will give a consultation opinion for their health condition on the base of which they will be sent to stay and have appropriate treatment and therapy in specialized psychiatric hospital.

It is of great significance in the further operation to take seriously into account the remarks and the recommendation of the European Committee for prevention of torture, inhuman or degrading treatment or punishment of the Council of Europe, as well as the notes of the Administration for carrying out of sanctions concerning the treatment with the convicts, the temporary arrested persons and juveniles , for which all of the Institutions should provide us with a return reply as to their treatment in the corresponding cases , as well as in case of any evident mistreatments and violation of the authorization by the officials, to submit information for the measures taken towards them.

Please, also, find enclosed, to you knowledge and directive for action, the revised **Resolution of the United Nations against torture as well as other cruel, inhuman or degrading treatment or punishment.**

Minister of Justice

Mihajlo Manevski

R E P O R T

In the scope of realization of the Project for protection of the rights of the convicts carried out by the Public Attorney in accordance with the competences resulting from article 31 of the Law of Public Attorney (“Official Gazette of the Republic of Macedonia” no. 60/03) and the Program for operation in 2007, in the period from September to October, a promotion and presentation was made regarding the way and the procedure for protection of the rights of the convicts in the Institution of Correction in the Republic of Macedonia.

In that context, in the above mentioned period, in all Institutions of Correction, beside the presentations, were also distributed the following materials:

1. Collection of regulations – European Convention for prevention of torture and inhuman or mortifying treatment or punishment, European prison rules, Law for carrying out of sanctions, Law of the Public Attorney and Bookkeeping of the Public Attorney.
2. Flyers with complaints form.
3. Posters and post boxes for submission of the complaints of the convicts.

The above mentioned materials are written in Macedonian, Albanian and Roma language.

**PROGRAM
for installation of metal boxes in the INSTITUTIONS OF CORRECTION**

Ord.no.	Institution	Presentation	Installation
1	Prison Strumica	18.09.2007	21.09.2007
2	Prison Gevgelija	18.09.2007	21.09.2007
3	KPD of open type Struga	27.09.2007	28.09.2007
4	Prison Ohrid	27.09.2007	28.09.2007
5	Prison Prilep	03.10.2007	05.10.2007
6	Prison Bitola	03.10.2007	05.10.2007
7	KPD Stip	10.10.2007	12.10.2007
8	Prison Tetovo	17.10.2007	19.10.2007
9	Prison Skopje	24.10.2007	02.11.2007
10	Prison Kriva Palanka	25.10.2007	26.10.2007
11	KPD Idrizovo	31.10.2007	02.11.2007

R E V I E W of books, posters and brochures

	BOOK			POSTER			BROCHURE		
	Maced.	Alban.	Gypsy	Maced.	Alban.	Gypsy	Maced.	Alban.	Gypsy
Idrizovo with open dpt.Veles	120	50	45	10	8	8	140	60	55
Skopje	50	40	35	5	3	3	50	40	35
Bitola	30	15	20	5	1	1	30	15	20
Prilep	20	10	20	4	1	1	20	10	20
Stip	20	5	20	3	1	1	20	5	20
Strumica	20	5	20	2	1	1	20	5	10
Tetovo	20	50	10	3	3	1	20	50	10
Gevgelija	20	5	10	2	1	1	20	5	10
Ohrid	20	15	10	2	1	1	20	5	10
Struga	15	20	10	2	2	1	15	20	10
Kriva Palank	10	5	10	2	1	1	10	5	10
TOTAL	345	220	210	40	23	20	365	220	230

**II RESPONSES of the Macedonian Authorities
to the report of the European Committee for the Prevention of Torture
and Inhuman or Degrading Treatment or Punishment
on its visit to the Republic of Macedonia
from 14 to 18 October 2007**

In reference to the observations and the recommendations made by the Delegation of the CPT at the occasion of their visit to the Republic of Macedonia in October 2007, as stated in the letter of Mr Mauro Palma, President of the CPT, sent on 21 November 2007, the competent authorities of the Government of the Republic of Macedonia are submitting their responses, which are due to be provided in the three months period:

The Ministry of Interior

Upon careful consideration of the report of CPT's visit in October 2007, the Ministry of Interior agrees with the comments made by the Committee since the observations reflect the situation objectively. With the intention of overcoming the mentioned deficiencies, the Ministry of Interior has elaborated an Action Plan. This document consists of concrete activities to be carried out, precise deadlines for their accomplishments and indicators for measuring the achievements and financial implications. The instructions sent by the Minister of Interior and the Director of the Bureau for Public Safety to the relevant bodies calling for zero tolerance in cases of maltreatment by the police were among the urgent activities that have been fulfilled according to the enclosed Action Plan.

Ministry of Justice

Acting upon CPT's Report, the Administration for Execution of Sanctions, within the Ministry of Justice informs that upon receiving CPT's considerations, comments and conclusions, it makes efforts to undertake further activities to overcome the established deficiencies.

1. The activities for improvement of the conditions in the institutions of correction are in progress, so that the construction works with the financial resources provided by the program EC / CARDS 2006 of the EAR for the three Correctional Institutions: Prilep, Stip and Idrizovo will be completed until the end of the year, while the procedure for providing financial resources of the credit by the European Bank is running and the prepared feasibility study, which is enclosed to this letter, was submitted to the authorized bodies of the Development Bank, so that their final reply is being waited for.

The activities for complete renovation and equipping of the whole **Prison Prilep**, with the financial resources by the EAR, are almost at their end, so that the fence wall with watchtowers is finished, the temporary arrest department is completely rebuilt, new electric installation is carried out, new septic tank and complete renovation of the drainage ditch is performed, the heating system is enlarged, a new recreation field with sport playgrounds is built, as well as a completely new equipment in the rooms for stay of the convicts and the temporary arrested persons is provided. The end of the complete renovation of the present Institution will be celebrated on 25.02.2008.

Also , with the financial resources of the Program EC / CARDS 2006 of EAR , the construction works for superstructure, enlargement and overhaul of the buildings in **Stip Prison** are running, which after their finish, till the end of 2008, will continue to function as an institution of correction of closed type, thus significantly reducing the capacity of the Idrizovo Correctional Institution, which is at the present the only closed institution of correction in the Republic of Macedonia . For the time being, in Stip Prison, a superstructure of the closed department and an aid station with reinforced control is carrying out, enlargement with a daily hospital, as well as construction of smaller buildings necessary for functioning of the Institution. Construction of the open department, the administration building and part of the accompanying structures in the Institution is not covered with these resources, but these will be built by the resources of the credit from the European Bank .With the resources of the budget of the Republic of Macedonia, a monitoring system and equipment in the kitchen and in the rooms where the convicts and the temporary arrested persons stay are foreseen to be supplied.

The works with the financial resources of EAR in **Idrizovo Correctional Institution** will begin at the end of February 2008, after completion with the construction activities in Prilep Prison. In this scope, a new bakery is building, new laundry, and when the conditions for a new boiler room will be realized, it will be built, as well as renovation of the existing kitchen in the female department will be done. In the previous period, activities were taken in the Institution, all with aim to improve the primary hygienic conditions, hygienic cleansers for its maintenance were supplied, painting, disinfection and pests extermination of the rooms where the convicts stay was carried out. A reconstruction and adaptation of the rooms assigned for visit (seeing room) and the five rooms for free seeing, equipped with appropriate items for satisfying the needs of the convicts, is in progress. Also, there is a significant improvement in the supply with products in both canteens (in the seeing room and in the closed department), and these days a new canteen in the female department will be opened. In addition, beside the old system of the boiler rooms, efforts are made for complete heating supply of all of the rooms where the convicts stay, by use of all available kinds of heating. As soon as conditions are provided for building of the new boiler room, the constructor is ready to begin with the works.

In **Skopje Prison**, beside the common overcrowding, specially with temporary arrested population (which is at the moment for 50% more than the available capacity, so that the maintenance of the hygiene is more difficult), the walls and the doors were completely painted in the previous months, part of the equipment was renovated, and new blankets and bed linen were provided.

Concerning the legal obligation for convicts to spend two hours a day on fresh air, taking into consideration the current accommodation circumstances, overcrowding and only two walks available, the large number of persons arrested for organized criminal in the same criminal acts who must not come in mutual contacts, it is impossible to obey the Criminal Proceedings Law, so that the walking on fresh air takes 45 minutes at the moment. However, it is expected that this situation will be soon changed, because with the Program for financing a construction, reconstruction, maintenance of the structures and equipment of the institution of correction which is now in Government procedure for passing , by means of the Budget of the Republic of Macedonia for 2008, for Skopje Prison are foreseen financial resources for construction of a new wing for the temporary arrested persons, building of a new open department and complete reconstruction of the Institution. By this, the capacities will be significantly enlarged and the conditions for stay of the temporary arrested persons and the convicts will be improved, accordingly. There will be a possibility for staying on fresh air two hours a day and the hygiene, not only the personal, but also that of the rooms will be much better.

In addition, in **Tetovo Prison**, beside the overcrowding of the capacities, efforts are made for improvement of the conditions for stay, specially in the temporary arrested departments. Upon the recommendation of the Committee for Prevention of Torture, the stay of the temporary arrested persons on fresh air is organized to be 1 (one) hour a day, except in the weekends (since Saturday is a day for organized bath and Sunday is a day for visit). The new kitchen and the dining room are completely equipped. As well, for this Institution, by means of the credit, financial resources are anticipated for its reconstruction, overhaul and enlargement, so that the capacities will be enlarged and the conditions for stay will be completely made better.

2. In the previous period, in part of the institutions of correction, 71 person of all kinds of structure, was employed. Most employments were realized in the security sector, as it follows: in Idrizovo Correctional Institution - 35 members in the security sector, 5 tutors, 1 nurse and 1 telephone operator, and a procedure for employment of two doctors is running, while in Skopje Prison 27 guards are employed.

Here, it has to be pointed out that corresponding seminars are in progress for training of the employees in the institutions of correction, organized by the European Agency for Reconstruction. In these frames, the course for instruction of trainers of the three target groups was completed: security, re-education and health protection groups.

The trainings of the other employees of the Institution in all target groups have already begun, and the mentioned trainings will also continue during the year, so that an educated and prepared staff will be established, who will be able to cope with the convict population.

3. Concerning the treatment of the convicts and the contemporary arrested persons in the institutions of correction, it has to be stressed that large efforts are made to influence the employees to respect the rights of the convicts. In that context, in Idrizovo Correctional Institution, a book for evidence is included, in which every use of forcible means is recorded. Also, the legal obligation for compulsory information of the Administration for carrying out of sanctions for use of forcible means is realized, as well as the reasons and the justification for their use.

All with aim to reduce the cases of carrying in drugs and other unlimited items in the House of Correction, five (5) manual metal detectors are used and two (2) detector doors, one of which is used at the entrance of the closed department, and the other one for entrance in the seeing room. A procedure is running for supply of a metal detector for luggage, and in order to reduce the possibility for carrying in narcotic drugs, police dogs for discovering the drugs are also used. So, the right of the convicts for realization of contacts with the external world is not breached.

Additionally, the discipline in the professional relation of the employees in the House of Correction Idrizovo is strengthened, so that several disciplinary actions towards the employees who have not observed the rules of behavior have been carried out, thus more disciplinary measures have been sentenced, two of which for persons who seriously infringed the working discipline and who are sentenced the measure termination of their employment, namely they received notice.

4. Concerning the health protection supply of the convicts, every convict in the Idrizovo Correctional Institution, in the period of 24 hours after the receipt, is subject to medical check up. The medical report is enclosed to his file.

5. In reference to the situation with corruption, in the part of giving the privilege for home leave, in the Idrizovo Correctional Institution, it is ordered to the employees to obey the legal regulations and bylaws strictly, by means of which the issue for progressing is regulated, namely the progressing from a more rigorous to more liberal treatment with which all convicts are introduced, accordingly. Against the officials who do not follow these regulations, a disciplinary action will be initiated and they will bear disciplinary responsibility.

In order to prevent violation among some of the convicts in the Institution of Correction, in case the taken measures by the officials in the Institution can not provide safety serving of the sentence, the Director of the Administration for Execution of Sanctions, is able due to safety reasons, to relocate the convicts in question in another prison in order to be separated.

6. In reference to the treatment of the convicts in the institutions of correction, the process for their education has to be pointed out, as it follows:

- in Tetovo Prison were supplied 10 computers and beginning from February, fifteen (15) convicts attend the computer course;
- in Stip Prison, the last preparations are made for introduction of a regular primary education where thirty (30) convicts will be included;
- in Stip Prison, in the period from December 2007 to February 2008, a three months English course is running, where twenty five (25) convicts are included;
- in Stip Prison, in the period from 15.01 - 15.02.2008 a cattle raising course is running for twenty five (25) convicts ;
- in Ohrid Prison, the primary education began, and three (3) computers for basic informatics education were installed.

The Administration for Execution of Sanctions, also, began the procedure for primary education in Bitola Prison, as well as in the other institutions of correction where it is still not introduced.

Ministry of Labour and Social Policy

In reference to the fact that the main topic of discussion during the CPT's visit in October 2007 has been the investigation into the death of Imran Ibrahimovski, the Public Prosecutor's Office has been informed officially by the Ministry of Labour and Social Policy about the CPT's observations and recommendations in details. An emphasis has been made on the CPT's request for reopening the case and launching a new investigation by Kavadarci Public Prosecutor's Office which has to include a new forensic examination.

In the same spirit, the Public Prosecutor's Office has been informed of the CPT's request for conducting thorough examination by the Kavadarci Public Prosecutor's Office into the seven deaths that occurred in Demir Kapija Special Institution for mentally disabled persons in January and February 2007 with the aim of clarifying these cases. By an official address to the Public Prosecutor's Office, the Ministry of Labour and Social Policy has asked it to intervene with the Kavadarci Public Prosecutor's Office in order to pronounce itself regarding these cases. The Ministry of Labour and Social Policy stands ready to forward the pending information to the CPT.

III. RESPONSES of the Macedonian Authorities to the issues raised in the letter of Mr. Mauro Palma, President of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, of 25 March 2008

In reference to the issues raised in the abovementioned letter of Mr. Mauro Palma concerning the comments of the CPT on the responses of the Macedonian authorities to the report of the Committee's 2007 ad hoc visit to the Republic of Macedonia, the Ministry of Justice and the Ministry of Labor and Social Policy of the Republic of Macedonia are submitting their responses, as follows:

The Ministry of Justice

The Administration for Execution of Sanctions (i.e., the Prison Administration) and the Ministry of Justice of the Republic of Macedonia, proceeding upon the Comments given by the European Committee for Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) on the Reply by the Ministry of Justice concerning the Report of 2007 ad hoc visit, would like to present herewith the following response.

1. In reference to point 4 of the CPT Comments, the Ministry of Justice and the Administration for Execution of Sanctions proceed in accordance with the Law on Execution of Sanctions, where the principles of the European prison regulations are incorporated. In that context, all additional steps are being undertaken for improvement of the conditions for stay and treatment of the prisoners, as follows:

A. A draft version of the Strategic Plan of the Administration for Execution of Sanctions has been drafted, where the following strategic priorities and aims have been included:

- professionally organized and managed prison facilities;
- staffing the Administration for Execution Sanctions;
- activities to put back in operation the House of Correction – Tetovo;
- implementation of the Program for improvement of the conditions in the prison facilities.

The Strategic Plan provides for the following priority activities by the Administration for Execution of Sanctions:

a) Improvement in the execution of sanctions by:

- completion of the reforms of the penitentiary system;
- strengthening of the capacities of the prison staff;
- better management and administration of prison and correctional facilities.

b) Improvement of the conditions for stay and treatment of the sentenced persons in prison facilities, by means of:

- construction, enlargement and reconstruction of the prison facilities;
- increasing the level of security of the sentenced persons and the prison staff;
- forming relations of respect, as well as humane relations the prison staff and the sentenced persons.

To implement the mission of the Administration for Execution of Sanctions in the Strategic Plan, the following programs are foreseen:

- execution of sanctions;
- improvement of the conditions;
- strengthening of staff capacity and staff training.

B. The implementation procedure for credit application from the European Bank foresees a plan, consisting of deadlines in which the construction works will be carried out in all institutions for the 2008-2010 period.

2. With regard to the comment under point 5, namely the re-allocation of the House of Correction – Tetovo in a suitable alternative premises, we would like to point out that it is a strategic priority of the Administration for Execution of Sanctions and the Ministry of Justice in cooperation with this institution. In this respect, the negotiation is continuing with the Islamic Religious Community for the restitution of the buildings and the property of the House of Correction in Tetovo, where it operated as such until 2001. All this is being conducted with purpose for undertaking measures for a complete reconstruction of the ruined and burned buildings.

In the meantime, inspections have been carried out with regard to the operation of the aforementioned institution on its current location. In context of the existing conditions, special attention is paid to prevention of contacts between minors and adult inmates of the Skopje Prison.

3. With regard to the issue in point 6 as to the measures being taken for prevention of ill-treatment in the Idrizovo Prison, disciplinary actions were instituted against 9 individuals in 2007, as follows:

- Two guards in the Security Department; during inspection of the cells and of the inmates, the two guards found forbidden items and after being prevented by the inmates to do so, the guards used excessive physical force. Therefore, they were given a fine of 5% of their salary in period of two months.

- Likewise, as a result of an escape by an inmate from the most secure ward in the Idrizovo Prison, a disciplinary measure was initiated against seven (7) officers, two of which were senior staff and held the rank of commander. Three (3) officers were sentenced to the disciplinary measure: job dismissal (the guard, the chief commander of a shift and the instructor).

Criminal charges were initiated against the instructor engaged in the prison farm unit, because of a criminal act – letting a prisoner run away. The said instructor was given imprisonment for the committed offence.

A senior officer - commander of the Internal Security Department, was given a fine and deprived of the rank of a commander. Three (3) guards were fined with 15% of their salary in period of 6 months.

In relation to the allegations concerning the participation by the Head of the Security Department in the use of physical force, and upon investigation of the corresponding case, his involvement in the said case was not established since he was not in the institution during the incident, neither had he issued such an order.

In the Skopje Prison, after the visit by the Committee, there have been no cases of use of means of restraint against the detained or sentenced persons.

The previously used means of restraint (handcuffs and cuffing of legs) were in no case used with intention of torture or punishment of a detainee; therefore, it was concluded that there have been no cases of their inappropriate use by the officials.

The aforementioned means were used in conformity with the Law, and only in situations when their use was required in order to prevent unwanted grave consequences such as self-injury or inflicting injury to another detainee so that the house rules were violently breached.

In case of urgent need, the means of restraint are used after providing positive opinion by a specialist physician, i.e., a psychiatrist and they are being used as long as it is necessary for calming down the restrained person.

The failures to record this kind of incidents, as concluded by CPT, have been resolved by introduction of a special register for use of the means of restraint.

In those cases when according to the estimation by a psychiatrist, there is a risk of self-injury or suicide on grounds of the mental condition of the prisoner, the officers in the Security Department make efforts to conduct checks every 15 minutes.

4. Concerning the comment under point 7, it should be pointed out here, that in the scope of the seminars for training of the prison staff, organized by the European Agency for Reconstruction, the course for training of 109 prison officers in all target groups was completed. The course dealt with the issues of: security, re-socialization (one group for work with adults and another for minors), health care and prison management. Therefore the staff is been trained to deal with the inmates, accordingly.

In the previous period, 71 persons of all structures have been employed in some prison facilities. Most of the new employees were hired in the security department, as follows: in the Idrizovo Prison, 35 members in the Security Department (the transformation of their fixed-term labor contract into labor contract for indefinite period is under way); 5 in the Sector for Re-socialization; one nurse has been hired in the Health Care Department, and efforts are being made to hire two more doctors.

In the Skopje Prison, 27 officers in the Security Department have been employed and an introductory training has been organized for them relative to the exercise of their duties, with the aim to increase their efficiency and engagement.

5. In context of the note in the comment under point 8 concerning the measures undertaken for providing the security in the Idrizovo Prison, the section of the pathways between the old (the so called "school") and the renovated part of the building has been repaired with thick sheet metal being fixed to a concrete plate.

It is planned that the parts of the premises that are not renovated - the wing B and 'the school' – would be relocated in new buildings with the projects for enlargement of the capacities; as temporary improvement of the conditions, the rooms for accommodation are being painted and disinfected .

In context of the recommendation for various activities for the prisoners (males and females) in the maximum-security ward, opportunities have been created in the Idrizovo Prison for those who like to take part in spare-time activities, in the following fields of interest:

- publishing, writing articles which will be published in their printed magazine;
- taking part in the sport activities such as football and chess tournaments;
- taking part in the fine art and wood carving workshop.

In the female ward, in addition to the above-mentioned activities, the inmates also have the possibility to be pre-occupied with the following:

- making hair style in a beauty shop;
- working on various handicrafts such as knitting, sewing, painting, etc.

All of the inmates, who stay in the maximum-security part of the institution, spend at least 2 hours on outdoor activities every day.

In the Skopje Prison, certain activities are under way to enlarge the capacity of the remand ward, so that remand prisoners can stay for a longer time on fresh air, even though this ward is still overcrowded with the large number of inmates.

By means of the project for construction of a new and renovation of the existing remand wing, the number of pathways will be increased and some playgrounds and rooms for spare-time and physical activities of the remand prisoners will be set up.

In the Tetovo Prison, the remand prisoners can stay in open air an hour a day.

Please, find enclosed some photos of the renovated Prilep Prison, where appropriate conditions for recreation of the inmates, in their spare time, are provided.

6. Relating to the comments under point 9 about the health care of the inmates, we would like to inform you that in order to improve the general health conditions of the inmates, at the end of 2007 the Institute for Lung Diseases carried out a regular x-ray check of all of the inmates who serve the prison sentence in the Republic of Macedonia.

In addition, the Administration for Execution of Sanctions and the Idrizovo Prison conducted concrete activities for improvement of the health care of the inmates in the largest prison institution in the Republic of Macedonia. In that context, the Idrizovo Prison and the Skopje Medical Center made agreement to conduct general medical checkups for all inmates whose number is about 1350 at the present.

The general medical check of the inmates, which began on 11 April 2008, is still in progress and it consists of the examination of the cardio-vascular system - EKG, lungs examination, blood pressure control, as well as the level of the sugar in the blood.

The drive is divided into two parts. The first part will cover 700 persons in the maximum-security part of the Idrizovo Prison, where the medical teams of the Skopje Medical Center have already been examining 40 persons a day.

The second part of the drive will start at the beginning of May and it will cover about 650 inmates.

The Administration for Execution of Sanctions is planning, in this period, to conduct medical examinations of the inmates in the remaining prison and correction facilities, so that about 2200 inmates will be also included.

It is expected that such form of medical examination will become a regular practice in realization of the health care in the prison system of the Republic of Macedonia.

In the Idrizovo Prison, significant efforts have been made for improvement of the medical services. Namely, at the present, the Healthcare Unit of this prison has 3 full time employed doctors. Two are general practitioners and 1 is a psychiatrist. Likewise, in the Idrizovo Prison there are also 2 part-time doctors, i.e., specialists, an ophthalmologist and a gynecologist, together with one dentist. Thus, this healthcare unit engages 6 doctors and 5 medical workers (2 nurses and 3 lab technicians). In addition, some efforts are under way for part time engagement of one specialist - internist, and a procedure is in progress for employment of two more doctors; corresponding financial means have been approved for this.

The healthcare unit works everyday from 8.30 to 20.00 h., including the weekends and the holidays, so that all this period is covered with a complete medical team.

By means of the employment of two new doctors, a day and night duty in the healthcare unit of the Idrizovo Prison will be offered.

In the Skopje Prison, all inmates are given medical examination in period of 24 hours after their admission, since the healthcare unit works 6 days a week with 12 hours working time (from 08.00 to 20.00 h.); the medical privacy is guaranteed. The inmates with psychiatric disorders are treated by a psychiatrist who is part-time engaged and pays regular visit at least once a week. In case of a need of hospitalization, it is conducted in the Psychiatric Hospital "Skopje," after providing medical opinion by the team of doctors at the Hospital.

Similarly, in the Tetovo Prison, all inmates are regularly given medical checkup by a doctor, who is part time engaged, in period of 24 hours after their admission, except in the weekends, when the examinations are made in period of 48 hours, and in case of emergency, the examinations are made at any time, upon a call by the prison officials. In this prison, there is a full-time employed nurse and she accompanies the inmates to their medical examinations, runs the records, and gives every inmate the prescribed therapy.

The Ministry of Justice makes efforts, together with the Ministry of Health, in context of the closed ward in the Psychiatric Hospital "Skopje" in Bardovci, to provide additional security by engaging the officers of the security departments of the Idrizovo Prison and the Skopje Prison, for putting in operation of a special ward for the inmates and those remand prisoners. The aim is to provide appropriate psychiatric treatment for the individuals imprisoned to long sentence in prison, as well as for those who are remand prisoners and have strictly limited freedom of movement and the same time need medical treatment in a psychiatric institution. It is estimated that this way of collaboration with the Psychiatric hospital will alleviate the problems in the medical treatment of certain category of inmates, at least until the moment of construction of a stationary as part of the Idrizovo Prison.

7. In reference to point 10 of the comments by CPT, we would like to inform you that all of the inmates in the Idrizovo Prison, even in the Admission Unit, are given the house rules, which in detail cite their rights, obligations and privileges, that they may get during their sentence serving. At the same time, they are informed about the conditions for getting home leave. The explanation of the regulations also continues during the treatment in the educational group in which the inmate is classified.

All of the inmates are precisely given explanation by the team for re-socialization about the manner of getting privileges. This also includes the home leave and it comes as a result of the served part of the sentence, exemplary behavior, working engagement and own participation in the re-educational process.

Taking into consideration that the privileges are individually determined for every inmate upon recommendation by a re-socialization expert team, decision is made for a home leave, in order to avoid any possible corruption, separately for each inmate on a group meeting with the prison management, attended by the entire team for re-socialization as well as the senior officials of the Security Department.

In context of the disciplinary action that is conducted against the inmates in the Idrizovo Prison and the Skopje Prison who have made a breach of the prison discipline, it is obligatory to conduct hearing of the inmate. Following the hearing, a record is made, which is an integral part of the disciplinary dossier.

8. On 18 April 2008, a meeting was held with the representatives of the European Bank for Development of the Council of Europe. Thus, the cited project was supported, by which in period of about ten days, the proposed designs for the Healthcare Unit and for the new structure of the maximum-security ward in the Idrizovo Prison will be completed, accordingly.

An offer for public procurement was announced on the web site of the Public Procurements Bureau, intended for construction of a new remand department in the Skopje Prison. In compliance with the Public Procurement Law, the present tender will be published on 21 April 2008. The value of the structure is in the amount of 500.000 Euro, provided from the budget of the Republic of Macedonia.

Please, find enclosed the photos of the renovated Prilep Prison, which has already been put in operation, as well as photos of the current reconstruction works in the Stip Prison, which will be then transformed from a medium-security prison into a maximum-security prison facility.

In addition, please find enclosed the Preliminary plan for public procurement for construction, reconstruction, and equipping of the prison facilities.

Ministry of Labour and Social Policy

In regard to the request for information from the Ministry of Labor and Social Policy referring to the indications of disagreeable treatment by the personnel working at the special Demir Kapija Special Institute, which as an institution takes care of persons with severe and severest obstructions in their intellectual growth, the Ministry has sent a letter to the Public Prosecutor's Office of the Republic of Macedonia providing the explanation as follows:

The main subject of interest at the meeting of the Delegation of the Commission at this Ministry was the case of Imran Ibrahimovski, ward of the Demir Kapija Special Institute who, according to them, died under suspicious circumstances, and they insisted that a new official investigation should be conducted by the Public Prosecutor's Office of Kavadarci, and that a forensic procedure should be carried out. In addition, this Ministry pointed out that the Committee's opinion is that this case is characterized by an absence of logical connection between the autopsy findings, according to which this person died of pneumonia caused directly by severe bodily injuries inflicted on the region of the rib cage (the fracture of the 8th rib and concussion of the lung) and the interpretation of the finding by the Public Prosecutor's Office of Kavadarci according to which the death was caused by pneumonia which is not a result of external injuries of physical violation by another person.

We also informed the Public Prosecutor's Office of the Republic of Macedonia that the representatives of the Delegation of the Committee expressed their interest in another seven mysterious cases of death that happened in January and February 2007 at the Demir Kapija Special Institution, and that they also demanded an official investigation about these cases by the Public Prosecutor's Office of Kavadarci and commencement of forensic procedure because they are of the opinion that a new thorough investigation should be carried out and detailed information should be submitted that have been not submitted yet or were submitted but incomplete, and are not clear enough to reflect the real situation.

Consequently, the Ministry of Labour and Social Policy has asked the Public Prosecutor's Office of the Republic of Macedonia to intercede with the Public Prosecutor's Office of Kavadarci to state its opinion about these cases again so that this Ministry could, in the shortest possible period, send an answer to this Committee which considers that the previous answers by the Public Prosecutor's Office of Kavadarci and by the Ministry of Labor and Social Policy are unsatisfactory.

Following the receipt of information from the Public Prosecutor's Office of the Republic of Macedonia, the Ministry of Labor and Social Policy will inform, as soon as possible, the Committee Against Torture of the Council of Europe about the concrete measures and activities that shall be taken in the forthcoming period by this Ministry in cooperation with the Prosecutor's Office.

Appendix

Ms Eleonora Petrova-Mitevka
Ambassador Extraordinary and
Plenipotentiary
Permanent Representative of "the former
Yugoslav Republic of Macedonia" to the
Council of Europe
13, rue André Jung
67000 STRASBOURG

Strasbourg, 25 March 2008

Dear Ambassador

Subject: Comments of the European Committee for the prevention of torture and inhuman or degrading treatment or punishment (CPT) on the response of the authorities of “the former Yugoslav Republic of Macedonia” to the report on the Committee’s 2007 ad hoc visit

1. At the outset, I would like to thank your authorities for the response to the report drawn up by the CPT following its October 2007 ad hoc visit to your country. In the light of that response, which was examined at the CPT’s 65th meeting, I wish to make a number of observations on behalf of the Committee regarding those issues which remain of concern.

Ministry of the Interior

2. Concerning law enforcement agencies, the CPT has noted that the Minister of Interior and Director of the Bureau for Public Safety have issued instructions reiterating the message of zero tolerance of ill-treatment of detained persons. However, as regards safeguards against ill-treatment the CPT would appreciate receiving more specific information about the new procedures referred to in the Ministry of Interior’s Action Plan. Further, there is no answer on the matter of the right of access to a doctor (see paragraphs 18 and 19 of the visit report).

In respect of material conditions in police stations, the CPT has noted that the Action Plan envisages checks to identify the measures to be taken. However, the details are rather sparse and the response does not adequately address the CPT’s recommendation for a properly-resourced strategy to improve and maintain conditions of detention in police establishments throughout the country. Further, the CPT is still not convinced that the Sector for Internal Control and Professional Standards (SVKPS) within the Ministry of Interior can be considered as an independent authority charged with inspecting police detention facilities; it would like to be informed about the SVKPS’s terms of reference for carrying out this function as well as the authority to which it reports.

3. In addition, no information was provided concerning the CPT's recommendation relating to the action to be taken by the prosecutor/judge whenever persons brought before them allege ill-treatment by law enforcement officials (see paragraph 16). The implementation of this recommendation is, in the opinion of the CPT, an important safeguard in the fight against impunity and the Committee would like to receive an appropriate response.

Ministry of Justice

4. The CPT is grateful to have been provided with a general overview of the measures envisaged by your Government in the area of prison reform. In particular, the response refers to the feasibility report for the "prisons reconstruction project" whereby it is hoped that a loan approval by the Council of Europe Development Bank, for up to 75% of the financial costs of the three-year project, will enable the necessary reconstruction and renovations to be carried out at Skopje and Idrizovo Prisons, as well as at other prison establishments. Further, the response also outlines certain actions being undertaken in the framework of an ongoing programme with the European Agency for Reconstruction, which will see certain limited improvements to Idrizovo Prison and the conversion of Štip Prison to a closed-type establishment by the end of 2008.

One of the overarching recommendations made by the Committee was for the Ministry of Justice, in consultation with other interested parties, to produce a strategic plan for the recovery of the prison system. However, the response is silent about the steps being taken to address this very important recommendation (see paragraph 22).

5. The CPT has also received no response as regards the action taken by the national authorities to address the shortcomings at the Educational-Correctional Institution, as identified in the report on the 2006 visit (see CPT (2006) 73, paragraphs 111 to 127). This matter has been left unresolved for too long, and the CPT expects to receive a considered response to its recommendation (see paragraph 24).

6. The specific measures recommended by the CPT to prevent ill-treatment (see paragraphs 26, 30, 31 and 44 of the visit report) have not received a response. Nothing is said about the action taken to prevent physical ill-treatment of inmates by staff, including an investigation into the alleged participation of the head of security at Idrizovo Prison in such ill-treatment. In addition, there is no response concerning the steps taken at Idrizovo Prison either to improve the quality of managerial supervision and decision-taking or to make the prison safe for both prisoners and staff. The fundamental issues concerning the detection of injuries through a medical examination upon admission of a person to prison, and ensuring clear procedures are in place to react to any allegations of ill-treatment by law enforcement officials, are also not addressed.

As regards the issue of the use of means of restraint at Skopje Prison, the CPT was disappointed by the findings of the investigation concerning the reasons for their use, the methods employed, the duration, the supervision and the lack of any proper recording. Moreover, nothing is said about the steps taken or any disciplinary measures applied to those responsible for the improper resort to the use of means of restraint and the lack of recording thereof. Further, the Committee has yet to receive a copy of the instructions on the use of means of restraint, drawn up in the light of the CPT's findings and its comments on how such a matter should be regulated. In addition, it is still waiting to receive a copy of the guidelines that should be adopted to ensure appropriate mental health assessment and care for persons at risk of self-harm and suicide, and the particular measures that should be taken in respect of juveniles (see paragraphs 27 to 29).

7. The CPT was pleased to note that steps have been taken to redress the shortages of staff at Idrizovo and Skopje prisons, primarily through the recruitment of additional prison officers, and that a process of further recruitments is underway. However, it remains unclear as to whether any other measures have been taken to improve the efficiency and effectiveness of the staff deployment within these prisons, in the light of the recommendation and comments made by the CPT (see paragraph 32). The Committee would also be interested to learn whether new recruits receive any induction training upon taking up their duties in the prison. Further, the CPT would appreciate receiving a response to its recommendation relating to the development of a professional managerial career path within the prison system (see paragraph 34).

8. As regards material conditions of detention, the CPT has noted that some steps have been taken to improve the hygienic conditions at Idrizovo Prison, including disinfection and pest control in the accommodation units. However, no information is provided about measures taken to render Idrizovo Prison safe; for example, the dilapidated closed wing has crumbling walkways on each of the three levels which pose a serious risk of injury to all persons living or working in this wing. The CPT would also like to receive information about the specific measures taken in respect of each of the accommodation units at Idrizovo Prison and, in particular, as regards the so called "school" unit and the unrenovated B wing of the closed section of the prison (see paragraphs 38 and 40).

As to the matter of outdoor exercise, the CPT acknowledges that the authorities have made certain progress to increase its provision at both Skopje and Tetovo prisons. However, the situation remains unsatisfactory. The CPT reiterates its longstanding recommendation that inmates be offered one hour of outdoor exercise every day, including on Saturdays and Sundays.

The CPT must note that, once again, the national authorities have failed to provide any response concerning the regime in Idrizovo and Skopje prisons, in the light of the remarks and recommendations contained in its 2006 visit report (see CPT (2006) 73, paragraphs 69 to 73).

9. The CPT made a number of important recommendations in relation to health-care services in prison, notably in respect of a review of the general state of such services in all prison establishments (see paragraphs 42 to 45). The information provided to the Committee refers only to the ongoing recruitment process for two doctors at Idrizovo Prison; no reference is made to the necessary review of the services required to meet the health-care needs in prison, so as to meet the "equivalence of care" principle. Nor is any information provided in relation to the recommendation to review the procedure for transferring prisoners suffering from psychiatric disorders to an appropriate institution for assessment.

The CPT has noted the national authorities' response that all newly admitted prisoners to Idrizovo Prison are now examined by a doctor within 24 hours. However, the response is silent as to whether all remand prisoners are examined on the day of their admission at, for example, Skopje and Tetovo prisons. Further, the Committee would like to receive assurances that steps have been taken to ensure medical confidentiality is guaranteed in all prisons.

As regards the problem of drugs in prison, the CPT has taken note of the proposed construction of a prison hospital under the project submitted to the Council of Europe Development Bank, which is intended to accommodate up to 500 inmates with an addiction (drug or alcohol). The CPT would like to be informed whether a comprehensive strategy has been drawn up for the provision of assistance to all prisoners with drug-related problems, as one element of a national drugs strategy. In this respect, the Committee also wishes to be informed about the purpose of the methadone substitution programme at Idrizovo Prison, in the light of the comments it made (see paragraph 47).

10. The CPT has received the House Rules for Idrizovo and Skopje Prisons, which contain provisions governing the possibility of inmates to be granted home leave. The Committee would like to be assured that such rules have been clearly explained to all prisoners in Idrizovo Prison, and it would also like to be informed as to whether an investigation into the allegations of corruption surrounding home leave was initiated (see paragraph 48).

As regards disciplinary sanctions, the CPT received no answers to its recommendations relating to the necessity to guarantee a fair hearing for all persons accused of a disciplinary offence and to ensure all prisoners in isolation are offered at least one hour of outdoor exercise every day (see paragraph 49).

11. The CPT has noted that all prisons now possess collection boxes in which prisoners may place complaints to the Ombudsman and that leaflets containing information on the right to complain have been distributed widely among the prison population.

On the other hand, it is regrettable that no steps appear to have been taken to ensure that the various supervisory mechanisms operate in a professional, transparent and independent manner, taking due account of the norms outlined in previous CPT reports (see paragraph 51), as well as the national legislation.

There remain a number of other issues on which the CPT is still awaiting a response, notably concerning contacts with the outside world and the recommendation to draw up a comprehensive regulation on in-cell video surveillance (see paragraphs 48 and 52, respectively).

Ministry of Labour and Social Policy - Demir Kapija Special Institution for mentally disabled persons

12. The CPT looks forward to receiving information on the outcome of the new investigation into the death of Imran Ibrahimovski and on the seven deaths that occurred in Demir Kapija Special Institution for mentally disabled persons in January and February 2007.

In this connection, despite several requests, the Committee still awaits your authorities' comments in relation to remarks concerning the carrying out of forensic autopsies (see CPT/Inf (2007) 73, paragraph 37).

13. In my letter of 19 December 2007, I informed you of the Committee's decision, taken at its 64th meeting, to open the procedure envisaged under Article 10, paragraph 2, of the Convention*. I explained that this decision had been taken in the light of the poor quality and unreliable nature of the responses to the Committee's previous reports, combined with the persistent lack of action to address serious concerns highlighted by the CPT, notably as concerns prison establishments.

The CPT was pleased to note that the response to the report on the October 2007 visit was received in due time and that it provided some new information. However, too many important issues addressed in the visit report remain unanswered. The Committee has therefore decided to keep open the procedure under Article 10, paragraph 2, of the Convention. At its next plenary meeting, to be held from 7 to 11 July 2008, the CPT will review the question whether to exercise the competence granted to it by Article 10, paragraph 2, to make a public statement.

I wish to assure you that before reaching its decision, the CPT will take fully into account all comments and information provided by your authorities. Further, the CPT may consider it necessary to undertake a short follow-up visit to your country in order to ensure that the Committee receives the most up-to-date information prior to its July 2008 meeting.

Yours faithfully

Mauro Palma

cc: Ms Sanja Zografska-Krsteska, Head of the Council of Europe and Human Rights Unit (Multilateral Sector), Ministry of Foreign Affairs, Skopje

* "2. If the Party fails to co-operate or refuses to improve the situation in the light of the Committee's recommendations, the Committee may decide, after the Party has had an opportunity to make known its views, by a majority of two-thirds of its members to make a public statement on the matter."

